

## SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

November 6, 2018

Place: City Hall, Conference Room W-133

Time: 9:30 a.m.

Item(s) to be discussed:

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code:

Number of matter(s) to be discussed: 5

**B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

1. Case Name: In re: Claim of Bailey

Name(s) of Parties(s)

Involved:

Court: Workers Compensation Appeals Board

Case No.: ADJ10195516

Amount of Money or Benefits

Other Relief Sought:

2. Case Name: Wood v. Morales, et.al.

Name(s) of Parties(s) RONALD WOOD; DANIEL MORALES, individually and as

Involved: an Officer of the San Jose Police Department; Officer MARK MINTEN, individually and as a Police Officer of the San Jose Police Department; Sergeant DARRELL UNGER, individually and as a Police Officer of the San Jose Police Department

Court: U.S. District Court, Northern District, San Jose Division

Case No.: 16-CV-06621-LHK

Amount of Money or Damages according to proof

Other Relief Sought:

3. Case Name: Preservation of Benefit Plan Retirees Association, et al. v. City of San José, et al.  
Name(s) of Parties(s) Involved: PRESERVATION OF BENEFIT PLAN RETIREES ASSOCIATION, JOSEPH BASS, DAVID BOGGINI, LAWRENCE JAY CASTELLANO, RICHARD COCO, LESLYE CORSIGLIA, HARRY FREITAS, MICHAEL GUISTI, LINDA HORWEDEL (THE BENEFICIARY OF DECEASED CITY RETIREE JOSEPH HORWEDEL), WILLIAM HUGHES, DANNY JORDAN, EVET LOEWEN, DAVID MAAS, BARRY NG, ANITA PHAGAN, GEORGE RIOS, GARY SCHOENNAUER, KEN TANASE, WAYNE TANDA, NINA TOBIN, RANDAL TURNER, STEVEN TURNER, ROBERT WILSON, CITY OF SAN JOSÉ, BOARD OF THE ADMINISTRATION OF THE FEDERATED CITY EMPLOYEES' RETIREMENT SYSTEM; NORBERTO DUEÑAS, IN HIS OFFICIAL CAPACITY AS THE CITY MANAGER OF THE CITY OF SAN JOSÉ, AND DOES 1-50  
Court: Superior Court of the State of California, County of Santa Clara, Unlimited Jurisdiction  
Case No.: 17CV312610  
Amount of Money or Other Relief Sought: Petition for Writ of Mandate
  
4. Case Name: City of San Jose and Black Alliance for Just Immigration v. Wilbur L. Ross, Jr., et al.  
Name(s) of Parties(s) CITY OF SAN JOSE; BLACK ALLIANCE FOR JUST IMMIGRATION; WILBUR L. ROSS, JR.; U.S. DEPARTMENT OF COMMERCE; RON JARMIN; U.S. CENSUS BUREAU  
Court: U.S. District Court, Northern Division of California, San Francisco Division  
Case No: 3:18-CV-02279-RS  
Amount of Money or Other Relief Sought: Declaratory and Injunctive Relief
  
5. Case Name: City of San Jose v. Trump, et al.  
Name(s) of Parties(s) CITY OF SAN JOSE, DONALD TRUMP, ELAINE DUKE, UNITED STATES OF AMERICA  
Court: U.S. District Court, Northern Division of California  
Case No: 3:18-CV-05329-WHA  
Amount of Money or Other Relief Sought: Civil penalties and damages according to proof

**C. CONFERENCE WITH REAL PROPERTY DESIGNATED REPRESENTATIVES PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

1. Property Street 255 South Montgomery Street (APN 261-37-025)  
Address, Parcel 8 South Montgomery Street (APN 259-38-130)  
Number, or Other 102 South Montgomery Street (APN 259-48-012)  
Unique Reference of 510 West San Fernando Street (APN 259-48-011, 259-48-013)  
Property: 150 South Montgomery Street (APN 259-48-053)  
105 South Montgomery Street (APN 261-35-003, 261-35-006, 261-35-010)  
645 Park Avenue (APN 261-35-014)  
525 West Santa Clara Street/566 West Julian Street (APN 259-28-031, 259-28-041, 259-28-043, 259-28-044)  
697 W. San Carlos (261-37-030)  
No address (261-37-028)

Negotiating Parties: Nanci Klein for the City of San José  
and  
Jay Bechtel for Google

Under Negotiation: The direction will concern price and terms of payment.

2. Property Street 200 Edenvale Avenue  
Address, Parcel  
Number, or Other San José, California  
Unique Reference of  
Property:

Negotiating Parties: Nanci Klein for the City of San José  
and  
Kevin Morgan for JMA Ventures

Under Negotiation: The direction will concern price and terms of payment.

Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values.

**D. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:**

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**  
and Title of  
Unrepresented  
Employees:

- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
4. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.

- Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
5. Organization or Name and Title of Unrepresented Employees: **Confidential Employees’ Organization, AFSCME Local 101 (CEO)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — Confidential Employees’ Organization, AFSCME Local 101 and City of San José
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
6. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

8. Organization or Name and Title of Unrepresented Employees: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
9. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
10. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association (SJPOA)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
11. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**

Nature of wages/salaries, hours, working conditions, etc.  
negotiations:

Name of Existing Memorandum of Agreement – City of San José and  
Contract or MOA: Association of Legal Professionals of San José

How to Obtain a copy Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
of Existing Contract or  
MOA: Telephone – Employee Relations: (408) 535-8150